

ADVISORY PANEL
Motions and Rationale
December 3-7, 2019 - Anchorage, AK

C7 CGOA Rockfish

AP Motion

The AP recommends that the Council select alternative 2 as the Preliminary Preferred Alternative (PPA) and select the following elements and options (bold):

‡Element 1: Modify regulations at 679.80 (a) (2) to specify the duration of the program.

‡Option 1: Remove the sunset.

Option 2: Replace with new sunset date (10-20 years).

Element 2: Reallocate unharvested RP Pacific cod from onshore cooperatives to limited access fisheries after the RP fisheries close on November 15th as per present reallocation regulations. Under the current reallocation regulations, the Regional Administrator would consider a reallocation of the projected unused allocation from the RP to the CV sector first, then to the combined CV and CP pot sector, and then to all other CP sectors, taking into account the capability of a sector, as determined by the Regional Administrator, to harvest the remaining Pacific Cod TAC.

Element 3: Exempt crab program sideboard limits for vessels when fishing in the RP.

Element 4: Require annual NMFS cost recovery reports in regulations.

Element 5: Clarify regulations at 679.5 (r) (10) to specify that only shoreside processors receiving RP Cooperative Quota (CQ) must submit the Rockfish Ex-vessel Volume and Value Report.

Element 6 & 7 combined: Modifications to Annual Rockfish Cooperative Report Requirements.

Option 1: Modify language in 679.5 (r) (6) (iii) (B) to require RP cooperatives to report catch by the CGOA reporting area and Revise 679.5 (r) (6) (iii) (D) – to replace “any action” with “any civil action”.

Option 2: Remove the regulations requiring that an annual RP cooperative report be submitted to NMFS and have the Council rely only on requests that the RP cooperatives voluntarily provide annual reports to the Council.

Element 8: Revise 679.81 (f) (4) (i) (D) (3) to remove requirements for a Fishing Plan to be submitted with a cooperative application for CQ.

Element 9: Revise 679.84 (f) (1) to exempt shoreside processors under the RP from the requirement to provide an observer work station and observer communication described at 679.28 (g) (7) (vii) and (viii).

Element 10: Provide the Regional Administrator the flexibility to reallocate unused CGOA ICAs for POP, northern rockfish and dusky rockfish to the RP cooperatives based on their

respective initial allocation taking into account the capability of each sector, as determined by the Regional Administrator, to harvest the remaining ICAs.

Element 11: Clarify regulations regarding accounting for inseason use caps when catcher/processor (CP) quota share (QS) is transferred for use by the CV sector where any CP quota share transferred to the CV sector does not count to any of the use caps for the CV sector (cooperative cap, harvesting cap, processing caps, and ownership/use cap).

Element 12: Modify Cooperative Check-in Notice Times from 48 hours to 24 hours.

²New Element 13: Remove CP rockfish program sideboard limits in the Western Gulf of Alaska (WGOA) rockfish fisheries.

²New Element 14: Modify regulations at 679.23 (h) (1) by removing the 3-day stand down for CVs that fish for groundfish in the BSAI while Pollock or Pacific cod is open to directed fishing in the BSAI from the GOA stand down if they check into the Rockfish Program and fish in the CGOA Rockfish Program.

Amendment¹ to remove bold from Element 1 Option 1 failed 9-10

Amendment² to remove bold from Element 13 & 14 passed 10-9

Motion as amended passed 18-1

Rationale for Amended Main Motion:

- *The rockfish program has increased flexibility and vessel accountability and improved PSC avoidance and safety at sea.*
- *Many of the identified elements are minor tweaks to the program and provide clarifying direction requested from the agency*
- *Public testimony supported advancement of the program and referenced its benefits and successes*
- *Removing a sunset date from the program is appropriate; the program is successful and it's important to provide stability for participants for fisheries' investments. The program will remain subject to LAPP five year reviews and any necessary modifications can be made at that time.*
- *The additional element 13 to remove CP rockfish program sideboards will not negatively impact other stakeholders because of the additional layer of A80 sideboards. Non-rockfish catcher vessels will continue to have access to WGOA rockfish as in the past.*

Rationale for Amendment 2:

- *It is prudent to wait for some amount of analysis and public notice before choosing elements for a PPA*
- *It is unusual to recommend new un-analyzed elements for a PPA.*
- *Waiting for the next iteration of the analysis for those new elements to be analyzed before adding to the PPA will likely not slow down the regulatory process.*

Minority Report

The minority of the AP believes that retaining a sunset date is a critical element in the rockfish program and has contributed to its success. The sunset provides a backdrop for analysis and collaboration that is important to maintain the fishery as developed and should remain when the program is renewed. This mechanism allows us to look into the program as a whole every couple of decades, instead of piecemealing without incentive to compromise. A sunset motivates participants to collaborate to improve the program and to be inclusive of all parties. The minority believes that a 15-20 year sunset provides enough security for business planning and lending purposes. Additionally, a sunset puts the public and participants on notice that this is a public resource, the use of which is reviewed and renewed as appropriate.

Signed: Alexis Kwachka, Jamie O'Connor, Erik Velsko and Victoria O'Connell